THE 15th ANNUAL REPORT OF THE CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1, 1986—DECEMBER 31, 1986

ADMINISTERED BY THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA FOR THE MINISTRY OF THE ATTORNEY GENERAL

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Administered by the Workers' Compensation Board of British Columbia
for the Ministry of the Attorney General

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Brian D.R. Smith, Q.C.
Attorney General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

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27 February 1987

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1986 to 31 December 1986.

Yours respectfully,

J. A. Nielsen
Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from: (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a police officer in preventing or attempting to prevent the commission of such offence or suspected offence.

The Act applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

1,659 new applications were received during the year, which when added to the 293 applications carried forward from the previous year, presented 1,952 claims for consideration and decision; of that number, 1,488 applications were disposed of leaving 464 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 11,431 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 14 to 22. Three decisions on actual claims have also been reproduced on pages 10 to 13 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the form and amount of the award. Compensation may be granted in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. These maximums do not apply, however, in cases where a victim is injured or killed while assisting a peace officer or trying to prevent a crime. The Board is precluded from awarding compensation where the amount payable is less than $100.

A total of $4,192,427 was paid out in compensation awards in 1986. Of that total, $2,544,485 was awarded in the form of lump sum payments and $1,647,942 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation, a total of $27,768,490 has been paid out in compensation awards.

The province is responsible for paying all compensation and costs but, pursuant to a cost-sharing agreement, which has been in effect since 1 January 1973, it recovers from the Government of Canada, except for administration costs, 10 cents per capita of the population of the province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1986, the contribution by the Federal Government amounted to $289,250 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1985.

PUBLICATIONS

Efforts continue in an attempt to increase public awareness of the Act. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, victim/witness assistance groups, provincial judges, police stations, employer associations, unions, schools, social workers, sexual abuse and rape crisis centres, and the news media, among others.

During the past year, the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board's workload has continued to increase steadily, increasing by over 50% in the past two years. 1,332 cases were adjudicated and finalized during the year. Awards were granted in 1,115 of these cases. The remaining 217 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were accordingly disallowed.

Assault cases continued to dominate as the most common type of crime involved. Of the 1,115 awards that were granted during the year, 512 or approximately 46% of these involved cases of assault. Sexual offences were the next most frequent category of crime, involving some 454 cases. The latter includes cases involving the sexual abuse of children in which there was a dramatic increase in applications in the past year. Indecent assaults on females and males increased from some 180 cases in 1985 to 363 cases in 1986.

The total expenditures for the year amounted to $4,637,589. Administration costs amounted to $445,162 or approximately 10% of that total. Additional details of these expenditures are contained on page 9 of this report.

.ACKNOWLEDGEMENTS

The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

Respectfully submitted,

J. A. Nielsen
Chairman

J. M. Nutter
Commissioner

B. Korman
Commissioner

P. Devine
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-84	1985	1986	Total to Date
Applications received	8,441	1,331	1,659	11,431
Number of awards granted	5,706	820	1,115	7,641
Awards paid	$20,343,457	$3,232,606	$4,192,427	$27,768,490

SUMMARY OF APPLICATIONS AND DISPOSITION

January 1, 1986 to December 31, 1986

Applications carried forward from prior years	293
Applications received in 1986	1,659
	1,952

Disposition of Applications:

(a) Applications allowed - awards granted	1,115
(b) Applications denied - awards to applicants not allowed	217
(c) Applications withdrawn/abandoned	156
(d) Applications carried forward to 1987	464
	1,952

Summary of awards:

(a) Number of lump sum awards granted in 1986	1,007
(b) Number of periodic awards granted in 1986	108
(c) Lump sum payments	$2,544,485
*(d) Periodic payments	1,647,942
	$4,192,427

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

DANGEROUS USE OF FIREARM	4
RAPE	45
ATTEMPTED RAPE	5
SEXUAL INTERCOURSE WITH FEMALE UNDER 14 OR 16	21
INDECENT ASSAULT ON FEMALE	283
INDECENT ASSAULT ON MALE	80
COMMON NUISANCE CAUSING HARM	5
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	3
MURDER	28
MANSLAUGHTER	14
ATTEMPTED MURDER	14
CAUSING BODILY HARM WITH INTENT	1
COMMON ASSAULT	33
ASSAULT CAUSING BODILY HARM	461
ASSAULT WITH INTENT TO COMMIT INDICTABLE OFFENCE	17
ASSAULT INTERFERING WITH LAWFUL PROCESS	1
KIDNAPPING	1
ILLEGAL CONFINEMENT	1
ABDUCTION OF FEMALE	1
ROBBERY	83
INTIMIDATION BY VIOLENCE	1
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	2
ARSON	2
ASSISTING A PEACE OFFICER	3
PREVENTING A CRIME	6
	1,115

APPLICATIONS BY AREA

ABBOTSFORD	9	GIBSONS LANDING	8
AGASSIZ	3	GOLD RIVER	2
AHOUSAT	1	GOLDEN	2
ALDERGROVE	3	GRAND FORKS	1
ALERT BAY	3	HALFMOON BAY	2
ANAHIM LAKE	1	HANEY	1
ARMSTRONG	3	HARRISON HOT SPRINGS	1
ATLIN	1	HAYNES	1
BARNEY LAKE	2	HOLBERG	1
BARRIERE	1	HOLLYBURN	1
BEDNESTI LAKE	1	HOPE	7
BIG FALLS LAKE	1	HORNBY ISLAND	1
BOOTHROYD	3	HORSESHOE BAY	1
BROCKLEHURST	2	HOSMER RIDGE	1
BURNABY	66	HOUSTON	1
BURNS LAKE	3	HUNTER'S RANGE	1
CAMPBELL RIVER	19	INGENIKA RANGE	1
CAPE LAZO	1	INVERMERE	1
CASTLEGAR	1	ISKUT	1
CENTRAL SAANICH	1	KAMLOOPS	38
CHARLIE LAKE	1	KASLO	1
CHEMAINUS	1	KELOWNA	22
CHILLIWACK	10	KILDONAN	1
CLEARBROOK	3	KITIMAT	1
CLOVERDALE	6	LADYSMITH	1
COBBLE HILL	1	LAKE COWICHAN	1
COLWOOD	6	LAKE ERROCH	2
COMOX	5	LANGFORD	3
COMOX LAKE	1	LANGLEY	17
COQUITLAM	41	LEMON CREEK	1
COURTENAY	16	LILLOOET	2
COWICHAN LAKE	1	LUMBY	1
CRANBROOK	4	MACKENZIE	3
CRESTON	1	MAPLE RIDGE	23
DAINARD CREEK	1	MASSET	2
DAWSON CREEK	6	MATSQUI	5
DEASE LAKE	1	MCLEOD CREEK	1
DELTA	21	MERRITT	8
DENMAN ISLAND	2	MISSION CITY	7
DUNCAN	31	MORICETOWN	1
ELKFORD	1	NAKUSP	4
ENDERBY	7	NANAIMO	30
ENGEN	1	NECOSLIE RIVER	2
ERRINGTON	1	NELSON	8
ESQUIMALT	4	NEMIAH VALLEY	1
FORT FRASER	1	NEW HAZELTON	1
FORT NELSON	15	NEW WESTMINSTER	57
FORT ST. JAMES	10	NEWTON	1
FORT ST. JOHN	14	NORTH VANCOUVER	48
FRUITVALE	1	OLIVER	2
GANGES	1	OSOYOOS	1

PARKSVILLE	4
PENTICTON	16
PITT MEADOWS	1
PORT ALBERNI	26
PORT COQUITLAM	14
PORT HARDY	3
PORT MCNEILL	1
PORT MOODY	8
POWELL RIVER	6
PRINCE GEORGE	57
PRINCE RUPERT	9
PRINCETON	1
QUALICUM BEACH	1
QUESNEL	8
REDROCKY LAKE	1
REVELSTOKE	5
RICHMOND	36
RIONDEL	1
ROSEDALE	1
RUBY CREEK	1
SAANICH	10
SAANICHTON	1
SALMON ARM	1
SALTAIR	1
SAYWARD	3
SECHELT	6
SECRET COVE	1
SHAWNIGAN LAKE	2
SICAMOUS	15
SMITHERS	2
SOOKE	1
SPARWOOD	1
SQUAMISH	4
STEVESTON	1
STEWART	1
SURREY	140
TACHIE	3
TERRACE	11
TEXADA ISLAND	1
TOPLEY LANDING	1
TRAIL	1
TUMBLER RIDGE	2
VANCOUVER	471
VEDDER CROSSING	2
VERNON	19
VICTORIA	65
WARDNER	1
WARE	1
WEST VANCOUVER	2
WESTBANK	2
WESTHOLME	2
WHALLEY	1
WHITE ROCK	10
WILLIAMS LAKE	2
YARROW	1
TOTAL:	1,659

SUMMARY OF EXPENDITURES

For the year ended 31 December 1986

Claim Costs:		
Awards paid	$4,193,652	
Less third party recoveries	(1,225)	$4,192,427
Administration Costs:		
Salaries and payroll	$ 399,418	
Occupancy and other service costs	53,508	
Travel and field investigations	16,268	
Equipment	7,908	
Communications	7,428	
Supplies and stationery	3,197	
Publications and advertising	1,768	
Miscellaneous	658	
Less third party recoveries	(44,991)	445,162
Total Expenditure		$4,637,589

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached, a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

On May 16, 1985 at an unspecified time G, then age 17, was attacked without warning and struck on the head with a tire iron wielded by a male youth in a park area in Burnaby, B.C. There is no evidence of provocation on the part of G. The responsible party was ultimately convicted of a charge of aggravated assault in relation to this occurrence.

G was hospitalized following the attack for five days with injuries described as a compound depressed left frontal skull fracture, a left frontal skull defect, a cerebral contusion, lacerations of the scalp and dura and an extra dural hematoma. He underwent surgery during which the depressed skull fracture was debrided and elevated into place. He remained under close observation during the rest of the hospital stay. Subsequently on July 25, 1985 he was re-admitted to hospital for three days at which time he underwent a cranioplasty in order to correct a left front skull defect. This surgery was successful and the hospital stay was uneventful. On September 19, 1985 he was examined by a Board doctor and interviewed by a Board investigator. G states that he has experienced some episodes of headaches and dizziness. He states that the area around the acrylic plate is somewhat paresthetic but that this is resolving. Some swelling around the plate also remains. He states as well that he has experienced, and particularly initially following the incident, interference with his speech. This has gradually improved. Some dysphasia remains and he states that he finds at times great difficulty in expressing his thoughts. He also indicates that he has resumed his schooling and is repeating his grade twelve school year. He has experienced some difficulties with concentration in his school work and particularly with reading and memory retention. The medical examination revealed that he has recovered from the severe head injuries. In the opinion of the Board doctor all components of the injury including the cerebral contusion have healed. While a minor degree of dysphasia and scanning speech remain, this is considered to be minimal and expected to resolve with further time. While mentation has been affected this too is expected to resolve fully. In the opinion of the Board doctor all residual neurological symptoms should be resolved during the next six months. No other sequelae of these injuries are to be expected.

G was employed part time as a gas attendant at the time of this incident. His work was on a call basis and varied weekly depending upon available work. His gross monthly wage is stated as being approximately $144.00. He remained away from his job until September 1985 due to the injuries. It is also noted that this incident and the injuries have resulted in a significant interference with G's participation in the sport of hockey. G had become an accomplished hockey player. A number of Junior 'A' hockey teams had expressed interest in G. It is noted that a

report from a specialist in neurological surgery written on May 30, 1985 indicates an opinion that G should refrain from playing hockey for perhaps a year. Further it is stated that in light of G's injuries he should be extremely careful of the prospects of a recurrent head injury while participating in such a body contact sport as hockey. There is evidence that G did resume participation in hockey but was forced to discontinue in October 1985 due to an onset of headaches during the game. Subsequently, another hockey club advised that due to a possibility of re-injury G would not be permitted to play with that team. While there is no direct evidence that G would have become a professional hockey player, it is recognized that this incident has severely interfered with his participation in hockey at a junior level. This factor shall be considered as part of the overall assessment of G's claim. No out of pocket expenses have been submitted to date.

G is a victim of crime within the meaning of the Act. He is accordingly entitled to be compensated for the injuries sustained in this incident. Taking into consideration the loss of wages that may have been sustained due to the injuries, the nature of the injuries sustained, the nature and degree of the pain, suffering and inconvenience occasioned by the injuries, the residual but resolving neurological symptoms remaining and loss of amenities including general interference in participation in sports and athletic activities an award of $18,500.00 is assessed to compensate G in that respect.

Section 3(2)(c) of the Act provides that the Board may make payment of compensation to any person who in the opinion of the Board is best qualified to administer the payment on behalf of the victim.

AWARD: **$18,500.00** (payable in trust to G's father)

ILLUSTRATION NO. 2

On February 2, 1986 at approximately 2:00 a.m. M, then age 32, states that he was attacked and beaten by five employees of a restaurant in Richmond, B.C. M has not at any subsequent time laid any criminal charges against any of the parties responsible for his injuries. According to the police investigation report M was extremely intoxicated during the night in question. According to restaurant staff M was evicted from the premises when he arrived in possession of his own bottle of beer. Upon arrival of police M was observed to behave in an extremely obnoxious and abusive manner and with the result that he was ultimately arrested and lodged in police cells for being intoxicated in a public place and due to several threats made by M that he would return to the restaurant armed with a shotgun.

The Criminal Injury Compensation Act defines a victim as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award

compensation and the amount thereof. Under the circumstances of this case it is not considered that M is a victim of crime within the meaning of the Act. The weight of the evidence would indicate that M was the author of his own misfortune in this incident. It is also noted that he was drunk and abusive and to the point that he himself was ultimately arrested by police. In addition he has not laid any criminal charges in connection with this incident. Even if M could be considered to be a victim of crime he is not in light of the lack of criminal charges in this case as well as M's own apparent contribution toward this incident entitled to any benefits under the Act.

NO AWARD

ILLUSTRATION NO. 3

On October 24, 1985 at approximately 9:30 a.m. F, then age 42, was attacked and punched in the face by a co-worker in the area of a job site in Vancouver, B.C. The incident arose out of a personal dispute between F and the other party and following an incident in which a thermos belonging to F had been accidentally broken by the other man. In retaliation, F subsequently picked up the other party's thermos and threw it into False Creek. These events, according to police investigation, led to a confrontation in which F was injured. According to the other party, F was struck in self-defense after F had picked up welding rods which he had in his hand prior to F being struck. No criminal charges were ever laid in relation to this incident. According to police and Board investigation, a charge was not approved by the office of Crown Counsel in light of the circumstances surrounding this incident.

F was seen at hospital emergency ward on the same day with injuries described as a laceration of the left eyelid, contusions of the face and a suspected fracture of the left orbital floor. He received the appropriate treatment. He was not admitted to hospital. On March 6, 1986 he was examined by a Board doctor and interviewed by a Board investigator. F states that he also sustained a nasal fracture due to this incident. The medical examination revealed that he has recovered from the injuries as well as a subsequent rhinoplasty procedure performed in respect of the nose injury. F is not considered to be disabled due to the injuries.

F was employed as a fitter and welder at the time of this incident. His hourly wage amounted to fifteen dollars. It is noted that there was a general lay off of a number of employees from the job site approximately two weeks following this incident. He has incurred $1,464.33 in medical and related expenses.

There is considered to be sufficient evidence from which to conclude that F is a victim of crime within the meaning of the Act. He is accordingly entitled to be compensated in respect of the injuries received in this incident. However, Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. It must be noted that F had by his own behaviour contributed toward the situation which eventually arose and involved a confrontation between F and

the other party. While the actions of the other man were inappropriate, to say the least, there is some evidence that F had also been an active participant in the confrontation which occurred immediately prior to F sustaining his injuries. It must be noted that in light of the circumstances surrounding this event Crown Counsel did not and would not approve criminal charges and hence criminal proceedings were not instituted. In absence of criminal proceedings and given the circumstances surrounding this occurrence it is determined that F has to some extent contributed toward this entire incident and including the actual confrontation. On January 9, 1986 an interim award in the amount of $2,000.00 was granted to F. In light of the circumstances it is determined that such interim award is adequate compensation save and except the above noted medical expenses which have been incurred. Accordingly, a further and an additional award shall be assessed in the amount of $1,464.33 in respect of the expenses incurred. Such additional award when considered with the interim assessment is not, under the circumstances of this case, considered to be unreasonable.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

Section 3(1)(d) of the Act provides that where compensation is payable for expenses, the Board may pay the compensation directly to the person entitled to it.

REDUCED AWARD: $3,464.33

EXAMPLES OF ALLOWED CLAIMS

85767 A 40-year-old male received multiple facial injuries including a LaForte II facial fracture and a fractured nose when attacked and kicked in the face by a male person at a residence in Richmond, B.C. Offender convicted of assault causing bodily harm. Victim received surgical treatment during one week hospitalization and follow-up care for visual impairment. AWARD: $3,800.00 (pain and suffering, etc.)

85938 A 9-year-old male suffered emotional anxiety and stress due to an incident in which he was sexually assaulted by a male counsellor at a summer camp in Peachland, B.C. Offender charged with sexual assault. AWARD: $1,440.00 (past psychotherapy expenses) and coverage of future psychotherapy costs necessitated by the incident.

85775 A 29-year-old male was attacked and struck in the face with a beer glass by a man in a bar in Kelowna, B.C. Culprit convicted of aggravated assault. Victim required hospital and surgical treatment for multiple and extensive lacerations about the face and the destruction of the globe of the left eye. Victim has been left with total loss of vision in the left eye and multiple scars. AWARD: $17,230.00 (transportation costs - $30.00; loss of wages, pain and suffering, etc. - $17,200.00)

85834 A 33-year-old female sustained multiple contusions about the face, head and shoulder when attacked and punched repeatedly by a man on a road in Richmond, B.C. Offender pleaded guilty to a charge of assault causing bodily harm. AWARD: $1,910.00 (hospital co-insurance - $10.00; loss of wages, pain and suffering, etc. - $1,900.00)

85790 A 30-year-old male was attacked and beaten with a baseball bat by a man near a private residence in Maple Ridge, B.C. Offender convicted of assault causing bodily harm. Victim required hospitalization and extensive treatment for fractures of the left elbow and right wrist. Victim left with permanent handicaps of restriction of movement of left elbow and right wrist and radial nerve palsy although not disabled from resuming employment. AWARD: $8,500.00 (pain and suffering, etc.)

85945 A 60-year-old female was attacked and punched in the face during a purse snatching incident by a man on a street in New Westminster, B.C. Culprit has not been identified. Victim received multiple contusions of the face, forehead and chest requiring conservative treatment. AWARD: $2,038.00 (hospital co-insurance - $10.00; ambulance account - $28.00; pain and suffering, etc. - $2,000.00)

85870 An 11-year-old male sustained fatal injuries when attacked, beaten and strangled by a male youth following an argument while on a fishing trip in the area of Fruitvale, B.C. The offender was later charged with murder. Application made by mother of the deceased. Evidence indicated that the deceased was very interested in the outdoors and had plans of opening a hunting lodge in a number of years. Indications were that "despite the youth of the victim, he would have made some financial contributions to his family". AWARD: $6,500.00 (funeral and burial expenses, loss of pecuniary benefit)

85960 A 54-year-old female was attacked without warning or provocation and stabbed in the back by her mentally deranged brother at victim's residence in Port Coquitlam, B.C. Offender was found unfit to stand trial and has been detained in a mental institution. Victim received hospital and surgical treatment for a stab wound to the back resulting in complete paralysis of the right leg and extreme weakness of the left leg. Victim unemployed but derived some income from having boarders at her residence. Victim remains totally disabled. AWARD: $228.00 (ambulance expense - $28.00; clothing damage - $200.00) and periodic payments of $752.53 per month subject to future cost of living adjustments and payments commencing effective July 5, 1985 and continuing thereafter on each succeeding month until victim's demise.

86101 A 26-year-old female was attacked and stabbed with a knife by a man during an attempted sexual assault incident at victim's residence in Vancouver, B.C. Culprit has not been identified. Victim received conservative treatment for a deep laceration of the left hand and an anxiety state. The victim required a period of psychotherapy as a result of attack. AWARD: $3,588.00 (hospital co-insurance - $10.00; ambulance expense - $28.00; psychotherapy costs - $700.00; loss of sick leave, pain and suffering - $2,850.00)

86068 A 19-year-old male was attacked, punched repeatedly in the face and rendered unconscious by a man on a street in Surrey, B.C. Culprit was not charged due to lack of identification evidence. Victim received conservative treatment for multiple abrasions, contusions and lacerations. Dental work was later undertaken. AWARD: $1,987.90 (hospital co-insurance - $10.00; dental repair costs - $552.90; transportation expense - $20.00; clothing damage - $5.00; loss of wages, pain and suffering - $1,400.00) Provision made for coverage of necessary future dental costs arising from attack.

86233 A 74-year-old male was attacked, beaten and pushed to the ground by a man during an attempted robbery incident near a hotel in Victoria, B.C. Culprit has not been identified. Victim required

hospitalization for twenty days and treatment for a fracture of the right leg. Victim convalesced for several months following hospitalization. Some limitation of strength and flexion in the left knee remains. AWARD: $5,058.00 (hospital co-insurance - $170.00; ambulance expense - $28.00; transportation costs - $60.00; pain and suffering, etc. - $4,800.00)

86207 A 29-year-old female suffered mental and emotional anxiety and trauma as a result of two respective incidents occurring in October and November 1985 during which her residence in Burnaby, B.C. had been broken into. During one incident victim was confronted by a knife wielding man who proceeded to lock her in a closet and following which he stole a number of items of property from victim's residence. While no physical injuries were received victim required therapy for a number of months as a result of continued stress relatable to the incident. AWARD: $2,925.00 (therapy costs - $125.00; loss of vacation entitlement, pain and suffering, etc. - $2,800.00)

86198 A 27-year-old female was attacked, abducted, forced to drive to a deserted area, repeatedly threatened, beaten, bound and tied and sexually assaulted during an ordeal lasting some thirty hours in the vicinity of Surrey, B.C. Police investigation has failed to identify culprit. Claimant received treatment at hospital emergency ward for multiple rope burns to the neck, wrists and face and an anxiety state. Victim is left with some scarring at the sites of rope burns. AWARD: $5,270.00 (clothing damage - $70.00; pain and suffering, etc. - $5,200.00)

86267 A 19-year-old male was attacked and punched in the face by a man near a road in Horsefly, B.C. Offender convicted of assault causing bodily harm. Victim underwent treatment for dental damage. AWARD: $400.00 (pain and suffering, etc.) Provision made for coverage of dental repairs to be completed.

86138 A 24-year-old male was attacked and punched in the face by a man on a road in Delta, B.C. Culprit has not been identified. Victim received medical treatment at hospital emergency ward for injuries including a laceration of the left cheek, a nasal fracture with left septal deviation and a suspected crack fracture of the left zygoma. Victim later required to undergo surgery to repair the nasal septal deviation. AWARD: $2,580.70 (hospital co-insurance - $18.00; medical expense - $2.70; clothing damage - $60.00; loss of income, pain and suffering, etc. - $2,500.00)

86074 A 57-year-old male received multiple injuries when attacked, struck on the head, rendered unconscious and robbed by one or more male persons on a street in Prince George, B.C. The offenders have not been identified. Victim required hospitalization for five days and treatment

for multiple facial fractures and a rupture of the sclera and prolapse of the iris of the left eye. Victim is left with a permanent condition of significantly impaired vision in the left eye. AWARD: $10,042.50 (hospital co-insurance - $42.50; pain and suffering, etc. - $10,000.00)

851273 A 22-year-old male received a gunshot wound when shot by his father-in-law near a residence in Enderby, B.C. Offender convicted of assault causing bodily harm and possession of a dangerous weapon. Victim required hospitalization for several weeks with gunshot wounds of the left elbow and left leg. Victim required a number of surgical procedures to repair damaged muscles and several skin grafts. AWARD: $6,417.59 (medical expense - $47.95; ambulance account - $119.95; drug expense - $49.69; transportation costs - $200.00; clothing damage - $200.00; loss of wages, pain and suffering, etc. - $5,800.00)

86137 A 25-year-old female was attacked and struck in the face with a broken bottle by a female assailant at a residence in Nelson, B.C. Culprit was charged with aggravated assault. Victim required treatment for multiple and extensive lacerations about the face. Victim required hospital emergency treatment and was left with some scarring. AWARD: $2,070.00 (clothing damage - $70.00; pain and suffering, etc. - $2,000.00)

86328 A 49-year-old male received injuries during a scuffle with a male person while victim detaining offender until arrival of police and on suspicion that offender had been driving a car while in an impaired state on a street in New Westminster, B.C. Offender charged with impaired driving and assault. Victim received medical treatment for a fractured jaw and dental damage. AWARD: $3,918.20 (hospital co-insurance - $20.00; dental repair expenses - $68.20; clothing damage - $30.00; loss of wages, pain and suffering, etc. - $3,800.00)

86347 A 44-year-old female sustained eye injuries when sprayed with a noxious chemical by a male person during a robbery incident at a service station in Vancouver, B.C. Offender has not been identified. Victim received medical treatment for a condition of chemical conjunctivitis of the left eye. AWARD: $1,650.00 (pain and suffering, etc.)

86035 A 23-year-old male was attacked and kicked repeatedly by a group of male persons on a street in Victoria, B.C. Offenders have not been identified. Victim required hospital and surgical treatment for a dislocation of the right knee. Victim walked with a limp for approximately one month. AWARD: $2,650.86 (hospital co-insurance - $10.00; ambulance account - $28.00; medical accounts - $342.86; clothing damage - $20.00; loss of wages, pain and suffering, etc. - $2,250.00)

86083 A 20-year-old male was attacked, slashed and stabbed with a knife by a male person at a residence in Duncan, B.C. Offender was charged with attempted murder. Victim required extensive hospital and medical treatment for a stab wound resulting in a laceration of the trachea. Victim subsequently developed pneumonia. He has been left with a permanent loss of approximately 35% of left pulmonary capacity and a corresponding reduction in stamina. AWARD: $8,850.00 (clothing damage - $50.00; loss of wages, pain and suffering, etc. - $8,800.00)

86684 A 28-year-old male sustained fatal injuries when shot with a rifle for no apparent reason by his half brother at a residence in Langley, B.C. Offender was charged with murder. Application made by deceased's common-law widow and two infant children for loss of pecuniary benefit. Prior to his death the deceased had cared for the children upon concluding his day's work as a self employed drywaller while his common-law wife worked evenings as a child care worker. Both children are currently attending school. Deceased's widow and children were present at the time of the incident and suffered extreme shock and anxiety. AWARD: $2,685.49 (funeral and burial expenses); $7,000.00 (pain and suffering, etc.) and periodic payments of $800.00 to the deceased's widow and $100.00 to each of the two children per month subject to future cost of living adjustments and payable to the deceased's widow until her death or remarriage and to each of the two children until each child attains the age of 18 years and continuing to age 21 years if the child continues regularly to attend an academic, technical or vocational school.

86551 A 63-year-old female makes application as a result of extreme stress and anxiety suffered for a period of months during which victim and her husband required police protection and police presence at their residence in Cranbrook, B.C. Circumstances arise from an incident involving the murder of a female person at a nearby residence and in respect of which victim's husband became a material witness in subsequent criminal proceedings. Due to continual stress the victim suffered a stroke and required hospitalization with conditions of left sided hemiparesis and hemiplegia. Victim made a slow recovery. Applicant considered to be a victim of crime within the meaning of Section 2(2)(b) of the Act. AWARD: $5,500.00 (pain and suffering, etc.)

86383 A 22-year-old female received injury while a bystander during a fight between two men at a nightclub in Port Moody, B.C. Victim injured when one of the combatants fell upon victim. Offenders were evicted from the nightclub and have not been identified. Victim received medical treatment for several fractures of the right leg. Victim was forced to wear a cast for two months and undergo extensive physiotherapy. AWARD: $3,100.00 (pain and suffering, etc.)

86503 A 16-year-old male was attacked and punched by a male acquaintance at victim's residence in Surrey, B.C. Culprit pleaded guilty to a charge of assault. Victim did not require medical treatment for a chest laceration. AWARD: $235.00 (clothing damage - $35.00; pain and suffering, etc. - $200.00)

86853 An 8-year-old female was attacked and sexually assaulted by a man at assailant's residence in Rosedale, B.C. Incident occurred on a specific date during the months of October or November 1975 although the attack was not revealed to victim's mother until December 1984 at which time the matter was reported to police. While police investigation derived evidence that victim had been sexually assaulted there was insufficient basis, due to elapse of time, to proceed with criminal charges. Victim suffered from mental and emotional turmoil during the years following the attack and was in need of appropriate therapy. Provision made for coverage of future psychotherapy costs. AWARD: $3,400.00 (pain and suffering, etc.)

851119 A 32-year-old male was shot by a rifle wielding man at victim's residence in Sechelt, B.C. Offender who was disturbed over victim's association with offender's common-law wife had previously set fire to victim's residence. Offender pleaded guilty to charges of arson and discharge of a firearm with intent to cause bodily harm. Victim required several weeks hospitalization due to a gunshot wound to the abdomen and right buttock with bony damage in the area of the right iliac crest. Victim required follow-up therapy and medical treatment due to a marked weakness in power of the right lower limb. Victim is left with extensive wound and surgical scars. AWARD: $16,040.00 (clothing damage - $40.00; loss of wages, pain and suffering, etc. - $16,000.00)

86432 A 72-year-old female sustained severe eye injuries when attacked and thrown to the ground by her mentally ill son at a hospital for the mentally ill in Coquitlam, B.C. Victim's son was a patient in the hospital at the time. Due to offender's mental state no criminal charges were laid in relation to the incident. Victim suffered a traumatic enucleation of the left eye and evisceration of the right eye. The victim has made a slow but good adjustment to the loss of site in both eyes. She requires the aid of a homemaker. AWARD: $255.23 (hospital co-insurance - $120.50; ambulance expense - $28.00; medical accounts - $98.73; clothing damage - $8.00) and a periodic award of $872.85 per month subject to future cost of living adjustments and continuing until victim's demise.

EXAMPLES OF DISALLOWED CLAIMS

85856 A 26-year-old male alleged that he was attacked, beaten and kicked by three men after being chased down a fire escape of a building in Vancouver, B.C. According to police claimant had gone to a hotel room with a prostitute at which time a sexual service was performed for money. The evidence indicated that following completion of a sex act the claimant punched the prostitute in the face and ran off with her purse. This incident led directly to the claimant being chased by three men in an attempt to retrieve the purse. The claimant declined to lay any criminal charges in connection with a subsequent beating administered by his pursuers. No award was granted in that, aside from the lack of criminal charges, claimant was the author of his own misfortune and indeed had himself committed a criminal act in the theft of a purse and which led directly to the situation in which he was injured.

85769 A 36-year-old male alleged that he was attacked and struck from behind by an unknown assailant near a bar in Fort Langley, B.C. Claimant alleged that he had no recollection of any of the events following this occurrence until later regaining consciousness in hospital. According to police claimant was extremely intoxicated and had earlier been involved in a confrontation with another man in the bar. No award was granted in light of the lack of independent evidence that the claimant was a victim of an attack as opposed to a participant in a fight while in an intoxicated state.

85926 A 35-year-old male sustained fatal injuries when attacked and beaten with a metal bat by a fellow inmate in a penal institution in Agassiz, B.C. Evidence indicated that the incident was related to drug activities and inner prison control by inmates. Application was made for loss of support by mother of deceased. No award was granted as this occurrence arose strictly in connection with the illicit drug trade and deceased's own participation therein. Evidence also indicated that deceased had spent most of his life in various penal institutions and had not at any time in his adult life held down a regular job or acquired any special skills or trade. Indications were that the deceased had not and would not in future contribute to the support of the applicant.

85949 A 69-year-old male alleged that he was attacked and beaten by unknown assailants near a private residence in Prince George, B.C. No criminal charges were laid in relation to the incident. Evidence indicated that claimant was a chronic alcoholic and that prior to this incident had been involved in a binge during which "he had been drinking solidly for 15 days". In the opinion of police this incident arose strictly in connection with applicant's "excessive drinking". No award was granted as there was no evidence that applicant was a victim of an assault or criminal act of any kind.

851008 A 24-year-old male alleged that he was shot in the left elbow with a handgun by a male acquaintance during an argument at a private residence in Surrey, B.C. No criminal charges were ever laid in relation to the incident. According to police applicant had initially advised that the incident occurred as an accident and during which applicant had been "playing" with the gun when it was dropped on the floor, causing it to discharge. Police subsequently determined that this story was completely false and deliberately concocted to mislead the police and to protect the alleged assailant from criminal charges. It was later determined that claimant had been injured in a confrontation with another man during which claimant himself was armed with a shotgun. No award was granted in light of claimant's obvious lack of cooperation with police and deliberate attempt to mislead police investigation. Claimant an obvious participant in a confrontation, was to a great extent the author of his own misfortune and had contributed toward this incident, in any event, to a degree such as to disentitle him to any award of compensation.

86210 A 41-year-old male alleged that he was attacked, beaten and kicked by one or more male persons near claimant's residence in Vancouver, B.C. No criminal charges were laid in relation to the occurrence and in fact claimant did not report the incident to police for a period of approximately seven months after it had occurred. No award was granted in light of claimant's failure to report the matter to police promptly or within a reasonable time. Those who do not do their part to assist in the administration of criminal justice by reporting such incidents to police within a reasonable time ought not and shall not benefit from the Act.

86082 A 24-year-old male alleged that he was attacked and beaten by one or more male persons at a residence in Chilliwack, B.C. According to eyewitnesses claimant was observed to commence the entire incident when he himself broke a beer bottle on a table and which he then proceeded to brandish in a menacing manner. Claimant was evidently beaten in retaliation. No award was granted as claimant had contributed toward the entire incident by his own actions to such a degree as to disentitle him to any award of compensation.

851113 A 70-year-old male alleged that he was attacked and beaten by a male and female person after the assailants had driven claimant home from a bar in Kamloops, B.C. Claimant stated that assailants had offered him a ride because claimant was "too drunk to drive". No criminal charges were laid in relation to the incident. According to investigating police, claimant had given a false account of the circumstances in which he was injured. The police state that claimant was injured following a dispute with a prostitute concerning a fee for sexual services and which resulted in claimant being beaten by a male companion of the prostitute's. No award was granted as claimant not considered to be a credible witness and in light of obvious lack of truthfulness of claimant's story as to the manner and circumstances in which he received his injuries.

86899 A 50-year-old male was admitted to hospital in Vancouver, B.C. with complaints of shortness of breath and chest pain. Medical evidence indicated a long standing arteriosclerotic generalized vascular disease with angina commencing in 1978. Subject died within three weeks of hospitalization. Death was attributable to conditions including a pre-existing heart disease and ultimately causing a congestive heart failure. Application made by deceased's widow alleging that deceased's death was related to an incident occurring several weeks previously in which the applicant herself was attacked and stabbed by her mentally unstable brother-in-law. No award was granted as medical evidence indicated that the deceased's death was attributable to causes other than the commission of a scheduled criminal offence. Deceased's death caused instead by pre-existing heart condition totally unrelated to crime or the commission of a criminal offence as defined in the Act.

86766 A 17-year-old female alleges that she was attacked, driven to a wooded area, threatened and sexually assaulted by a male person near a park in Saanich, B.C. Following a criminal trial accused was acquitted of a charge of sexual assault in relation to this incident. Claimant admitted that she was a prostitute at the time of the attack and that she had performed a sexual service for money earlier during the night in question. Claimant admitted that she had initially approached the assailant offering herself to this person and which service was contingent upon the appropriate fee being paid. Claimant then accompanied assailant in his car and was later driven to the scene of the attack. No award was granted as aside from the disposition of trial claimant had contributed so substantially toward the entire occurrence as to disentitle her to any award of compensation. Claimant by acting in the capacity as a prostitute had assumed a substantial risk of harm and was in no position to seek compensation in this particular case when such harm materialized.

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